



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: May 15, 2012**

FROM: CITY ATTORNEY
CITY MANAGER **ITEM NO: 15**

WARDS: ALL

SUBJECT: STATUS REPORT ON THE PROGRESS OF THE "NEIGHBORHOOD LIVABILITY PROGRAM" FOR IMPROVING THE QUALITY OF LIFE IN THE CITY OF RIVERSIDE

ISSUE:

The issue for consideration by the City Council is the continued utilization of the Neighborhood Livability Program as a tool for improving and maintaining the quality of life in the City of Riverside's twenty-six neighborhoods.

RECOMMENDATIONS:

That the City Council:

1. Continue its support of the Neighborhood Livability Program based upon the successes demonstrated in this status report and that the City Council receive and file this report; and
2. Direct the City Attorney's Office to provide another status report on the Neighborhood Livability Program in six months.

BACKGROUND:

A. History of Program

On September 23, 2003, the City Council authorized the creation of a Neighborhood Livability Program, as proposed by the City Attorney's Office in cooperation with the Community Development, Fire, Police and Public Works Departments, to improve and maintain the quality of life of Riverside neighborhoods. The Mayor and City Council have emphasized the importance of preserving and improving the safety and livability in Riverside's neighborhoods in the City of Riverside's Strategic Plan.

A task force comprised of representatives of key departments was established. The Task Force's role was to begin identifying and prioritizing specific problems, targeting the "worst of the worst" for appropriate, *proactive*, and remedial action.

The Task Force has made a substantial effort to gather information from residents and businesses, the Mayor, the City Council, the City Manager, and City staff, and to identify and prioritize the properties presenting the most serious quality of life issues in the City. Such properties have been identified in terms of geographically defined area(s) with chronic and multiple quality of life problems (i.e., "focus neighborhoods"); single, problematic properties (i.e., the "worst of the worst"); and specific problems occurring in multiple locations throughout the city. The vast majority of the problem properties are brought to the City's attention by negatively affected neighbors and business owners.

B. Current Status of Program and Program Results for October 2011 – May 2012

As explained in the prior report, the Task Force continues to examine specific problem properties and neighborhoods to determine the most effective investigative approach and enforcement tool(s).

1. Transitional Housing Task Force

One primary focus of the Neighborhood Livability Program's efforts has been the Transitional Housing Task Force. This effort was originally developed to address the sudden increase in public complaints regarding so-called "group homes." As cases were investigated, it became clear the common thread to the complaints was the existence of serious, substandard housing conditions at these locations. Accordingly, investigation procedures and enforcement actions were developed and implemented to address these problems.

Approximately 6 cases have been resolved during this reporting period. Of these, over half of the properties were voluntarily brought into compliance by the owners after issuance of the notice of violation. The City will be re-inspecting these properties for compliance with the Hearing Officer's orders.

With the passage of AB 109 and the implementation of the Governor's Public Safety Realignment Plan, the THTF stands ready to address any negative impacts of the plan.

2. Receiverships/Judicial Foreclosures

The City has initiated 31 receivership and judicial foreclosure actions against neglected properties that have been declared continuous public nuisances. Of these, 4 court actions are currently pending in the Riverside County Superior Court. We anticipate filing an addition 5- 7 actions during this next reporting period.

3. Nuisance/Drug Abatement Actions

The City has initiated 4 actions to abate continuous nuisance or drug related activities. Two of these court actions have resulted in permanent injunctions and one case is currently pending in the Riverside County Superior Court. We are currently working with the Riverside Police Department on several additional cases to be filed during this next reporting period.

4. Vacant Problem Properties

The Neglected Property Abatement ("NPA") Team was created in October of 2008 to address the negative secondary affects (e.g., neighborhood blight, transient activity, etc.) associated with open and vacant properties. Also, the City adopted Riverside Municipal Code Chapter 6.11, which declares substandard properties left vacant in excess of one hundred and eighty days and that are not the subject of an active building permit for repair, a continuous public nuisance. Through a combination of code enforcement actions (e.g., warning notices, citations, etc.), the NPA team has achieved 97% voluntary compliance, prior to having to declare properties permanent public nuisances. During this reporting period, 102 problem, vacant properties were voluntarily rehabilitated by the owners. Additionally, one vacant, problem, partially constructed apartment structure was demolished voluntarily by the owner in lieu of City enforcement action.

5. Graffiti Abatement

California Civil Code Section 1714.1(b) provides that acts of defacement of property by paint or similar materials committed by minors are imputed to their parents who have custody and control of the minors. The City is entitled to recover up to \$25,000.00 per incident and including civil damages, police investigative cost, court costs, and attorney's fees. The City Attorney's Office initiates lawsuits against the parents of minor "taggers" as a deterrent to future vandalism.

Under the leadership of the City Council, the City has been very aggressive in seeking restitution for graffiti committed in the City of Riverside. To date, the City Attorney's Office has initiated collection actions against 446 individuals and obtained settlements and judgments for a total of \$315,487. Also, juvenile offenders and their parents have completed approximately 5,110 hours of community service.

6. Extraordinary Police Services or Responses

The City Council adopted Riverside Municipal Code Chapter 9.60 on December 8, 2008 in response to the disproportionate amount of public safety resources being expended to respond to certain properties and businesses. The criminal and/or nuisance activities associated with these properties resulted in the unreasonable diversion of vital and critical public safety resources.

The Purpose of the ordinance is to hold owners and occupants who utilize an extraordinary amount of police service accountable for the additional costs arising out of the use of their property and deter further criminal and/ or nuisance activity in the future. An extraordinary police service or response occurs when: (1) three or more officers and a supervisor respond to a single emergency response; or (2) a second response to the same business or property within a thirty day period; or (3) a third emergency response to the same business or property within a ninety day period. An owner or occupant who is an individual person and is the victim of a crime shall not be liable for the extraordinary police service or response related to the crime.

Since inception, the City has initiated 22 actions and recovered \$6,949.07 in extraordinary police services. The enforcement of this ordinance has been a powerful deterrent to future incidents.

C. Neighborhood Livability Program: Progress to Date (Since Sept. of 2003)

- 152 “transitional housing/group home” complaints resolved
- 72 problem board-up demolitions
- 383 voluntary property rehabilitations
- 31 judicial foreclosures/receiverships
- 4 nuisance/drug abatement actions
- 446 graffiti cases and \$315,487 collected in settlements and judgments

Overall, The Neighborhood Livability Program has been an unqualified success and is considered a model for cities throughout the state. The program has been identified by the National League of

Cities as a “proven solution for combating blight, crime and nuisance activities.” The success of this program is a result of the leadership and support of the City Council and the hard work and dedication of the members of the Community Development, Fire, Police and Public Works Departments in addition to the staff of the City Attorney’s Office.

FISCAL IMPACT:

Generally, none other than staff time. The City’s abatement costs as well as the administrative fines and penalties are assessed as liens against the property owner or through sale of the property. The City also seeks reimbursement for the attorney’s fees and costs incurred by the City Attorney’s Office. The City Attorney’s Office also utilizes rehabilitation agreements with property owners and lenders as an alternative to assessment liens and/or litigation.

Moreover, the overall positive impact that this Program has had on the livability of various neighborhoods outlined above, while not subject to a precise fiscal impact, cannot be underestimated. The elimination of substandard housing and the reduction in criminal and nuisance activities has proven to be invaluable to the safety of the residents of the City of Riverside.

Prepared by: Gregory P. Priamos, City Attorney
Scott C. Barber, City Manager